



**#16-06 – HUDSON HARDSHIP MOBILE HOME - MINOR USE PERMIT
4889 BARTON ROAD APN: 045-071-050**

**STAFF REPORT
PLANNING COMMISSION HEARING
JUNE 28, 2016**

RECOMMENDATION

Approve *Resolution #16-06* approving **Minor Use Permit #16-06** to allow a Hardship Mobile Home at 4889 Barton Road subject to the findings in Exhibit A and the recommended conditions of approval in Exhibit B.

REQUEST

The applicant Audra Hudson, requests to temporarily locate a mobile home to assist her mother Elizabeth with the care of her invalid father Lawrence, who are the property owners of the property located at 4889 Barton Road within the Town of Loomis.

Section 13.42.170 B of the Loomis Zoning Ordinance *Temporary Dwellings for Persons in Need or Care and Supervision* allows the use of a mobile home as an accessory dwelling to alleviate a verified personal hardship relating to age or health, not to exceed five years subject to annual renewals.

PROJECT DESCRIPTION

Location: 4889 Barton Road in the Town of Loomis
APN: 045-071-050
Eastside of Barton Road, approximately 250 feet north, of La Vista Drive.
Size: 65,667 square feet, 1.5 acres

General Plan, Zoning, and Existing Land Uses

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	RESIDENTIAL AGRICULTURAL	RA	SINGLE FAMILY RESIDENTIAL
NORTH	RESIDENTIAL AGRICULTURAL	RA	SINGLE FAMILY RESIDENTIAL
EAST	RESIDENTIAL AGRICULTURAL	RA	SINGLE FAMILY RESIDENTIAL
SOUTH	RESIDENTIAL AGRICULTURAL	RA	SINGLE FAMILY RESIDENTIAL
WEST*	LOW DENSITY RESIDENTIAL	PD-1.93**	SINGLE FAMILY RESIDENTIAL

*Within City of Rocklin

** (Planned Residential Development 1.93 dwelling per acre)

BACKGROUND

Though this is a new application, and not an extension of the previous permit, it is the second request for a Hardship Mobile Home on the same property. On March 6, 1997 Elizabeth Thompson obtained approval of a Hardship Mobile Home due to the infirmity of her own late mother Roberta Klemowicz. The previous permit expired in March 2002, and was not renewed or extended. Upon the passing of Roberta Klemowicz, other family members resided within that mobile home, but subsequently moved out of it. However the mobile home itself was not removed, and deteriorated to an uninhabitable state, and was not finally removed until a few years ago. Because of this, adjoining property owners have expressed concern over the purpose, time limits, and aesthetics of this proposed temporary mobile home.

This is a new application due to the needs of Lawrence and Elizabeth Thompson, so that their daughter Audra Hudson, may assist her mother Elizabeth, with the care of her father Lawrence, an invalid. Generally these permits may be approved by the Planning Director, except where a permit would exceed five years, in which a minor use permit approval is subject to the Planning Commission. However as this would be a second hardship mobile home on the property, and due to public controversy, a minor use permit is necessary, and subject to the approval of the Planning Commission.

ISSUES

Zoning Code Consistency

The project site is zoned Residential Agricultural (RA) and permitted a temporary mobile home subject to the requirements of Section 13.42.170 of the Loomis Zoning Ordinance.

Section 13.42.170 B of the Loomis Zoning Ordinance *Temporary Dwellings for Persons in Need or Care and Supervision* requires the mobile home be granted for a Limited Term, with an Agreement for Removal, Evidence of Need, and compliance with specific Standards.

Limited Term: Recommended Condition of Approval # 18 states "This permit shall be for a maximum period of five (5) years and expire on June 28, 2021, and is subject to annual renewal of the Planning Director.

Agreement For Removal: Recommended Condition of Approval #1 requires the applicant and owners to enter into a "Limited Term Permit For a Hardship Mobile Agreement" to compel their compliance with Recommended Conditions of Approval 16 through 24 which among other requirements, compels the removal of the mobile home within 60 days of the need for it or have it removed at their cost by either and/or a lien or performance bond forfeiture.

Evidence of Need: The applicant has submitted sufficient proof of the disability of her father from a "licensed medical care provider" as required by the Zoning Code.

Standards: The proposed application as conditioned is in compliance with the required standards. The property is approximately 1.5 acres which exceeds the minimum lot size requirement of 8,000 square feet. The proposed mobile home will be consistent with the

requirement that no more than one mobile home “shall be allowed on any parcel.” The mobile home is an accessory dwelling subject to a limited term not to exceed five years. A preliminary approval has been obtained from the Placer County Environmental Health Department for the use of the existing well, and installation of a separate septic system for the mobile home, subject to permits issued by them. Building permits consistent with the Town’s Municipal Code will need to be obtained from Loomis Building Department and the Town Engineer prior to placement of the mobile home on the property, and finalized prior to occupancy.

General Plan Consistency

The proposed project is consistent with the Rural Agricultural designation of this property in the Land Use Element of the Loomis General Plan, which encourages very low density residential development in this designation, and maintains natural vegetation to the maximum extent feasible.

Traffic/Circulation

The circulation element adopted by the City Council on June 14, 2016 classifies Barton Road as an Arterial with a Level of Service (LOS) of A. Circulation patterns and traffic volumes are not anticipated to be adversely impacted as the proposed dwelling, which will only generate approximately 9 average daily trips (ADT).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project is to add a second dwelling unit to an existing residentially zoned parcel that has a single family dwelling on it.

CEQA provides Categorical Exemptions for these projects as they have been determined not to have a significant effect, and therefore exempt from further environmental review. Among these is a Class 3 Exemption that consists of the construction and location of new small structures and includes a second dwelling unit in a residential zone, as per Section 15303 New Construction or Conversion of Small Structures of the CEQA Guidelines.

As the property is zoned for residential uses (RA Rural Agricultural), and the proposed Hardship Mobile Home will only be the second dwelling, the project qualifies as a Class 3 Exemption.

RECOMMENDATION

Approve Resolution #16-06 approving Minor Use Permit #16-06 to allow a Hardship Mobile Home at 4889 Barton Road subject to the attached findings (Exhibit A), and attached 30 recommended conditions of approval (Exhibit B).

ATTACHMENTS

1. Draft Resolution
2. Exhibit A: Recommended Findings
3. Exhibit B: Recommended Conditions of Approval
4. Application, Site Plans, and Agency Comments
5. Limited Term Permit For Hardship Mobile Home Agreement

NOTE: Notice published in paper June 17, 2016, and mailed June 15, 2016.

**EXHIBIT A
PLANNING COMMISSION
RECOMMENDED FINDINGS
JUNE 28, 2016**

Minor Use Permit #16-06 - to allow a "Hardship Mobile Home" as a second dwelling for a limited term not to exceed five years on a 1.5 acre parcel zoned RA (Residential Agricultural) as per Section 13.42.170 B. of the Loomis Zoning Ordinance *Temporary Dwelling for Persons in Need or Care and Supervision*.

FINDINGS

General

Minor Use Permit #16-06 is consistent with the Town's General Plan and Zoning Ordinance and will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.

California Environmental Quality Act

Minor Use Permit #16-06 is exempt from the requirements of the California Environmental Quality Act (CEQA) as a Class 3 Categorical Exemption as per Section 15303 of the CEQA Guidelines that allows a "*second unit in a residential zone.*"



EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL
PLANNING COMMISSION
JUNE 28, 2016

Minor Use Permit Modification Application #16-06 to allow a "Hardship Mobile Home" as a second dwelling for a limited term not to exceed five years on a 1.5 acre parcel zoned RA (Residential Agricultural) as per Section 13.42.170 B. of the Loomis Zoning Ordinance *Temporary Dwelling for Persons in Need or Care and Supervision* at 4889 Barton Road, Loomis, CA APN: 045-071-050 is approved subject to the following conditions of approval.

GENERAL CONDITIONS

1. _____ The Applicant/Owner shall enter into a "Limited Term Permit For Hardship Mobile Home Agreement" and comply with all provisions of the Town of Loomis Municipal Code.
2. _____ The Project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this project, subject to the approved plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
3. _____ Development shall be substantially in accordance with the plans submitted on May 10, 2016, and revised June 6, 2016 respectively, except as may be modified by the conditions stated herein.
4. _____ All plans shall be consistent with that approved by the Planning Commission. The Applicant/Owner shall be responsible for correcting any inconsistencies which may occur through error or omission during plan preparation or construction.
5. _____ The Applicant/Owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this project.
6. _____ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.
7. _____ The Applicant/Owner shall obtain an encroachment permit prior to any work within public rights-of-way.

8. _____ No on-street parking on Barton Road is permitted in conjunction with this permit.
9. _____ Access to the parcel (for emergency and vehicular access) shall be maintained to the satisfaction of the Director of Public Works/Town Engineer at all times during the development.

PUBLIC AGENCIES

10. _____ The Applicant/Owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department for the review and approval of Town staff, to the extent legally required. The Applicant/Owner shall complete all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the agencies prior to any building permits being issued.

Placer County Environmental Health Services

11. _____ Placer County Environmental Health Department- Construction of the access road to the mobile home shall be located consistent with the revised site plan as approved by the Placer County Environmental Health Department.
12. _____ Obtain and pay the fees for an approved septic construction permit and install the sewage disposal system as approved prior to occupancy of the mobile home.
13. _____ Submit for review and approval a 4 hr well yield for the existing well serving the parcel. Additional domestic water storage or construction of a new well with adequate yield may be required, prior to occupancy of the mobile home, depending upon the result of the report.

South Placer Municipal Utility District (SPMUD)

14. _____ Though the applicant may use a septic disposal system, subject to the requirements of the Placer County Environmental Health Department, the property is within the service area of the SPMUD and eligible for sewer service once future lines are stubbed out to Barton Road near Oakridge Drive in the near future with the development of Croftwood #A, additional sewer service will also be available within Tree Swallow Circle.
15. _____ Should the land owner request public sewer service, and/or requesting a "will-serve letter" for sewer service, the owner shall schedule a meeting with SPMUD to discuss the project and to determine specific requirements. The design and construction of all on-site and off-site facilities which may be required as a result of this project, including the acquisition and granting of sewer easements, will be the responsibility of the owner and shall conform to the Standard Specifications of SPMUD.

HARDSHIP MOBILEHOME CONDITIONS

16. _____ The hardship mobile home shall remain only as long as necessary to provide the required care and supervision of Lawrence Thompson by Audra Hudson, in accordance with Section 13.42.170 B. of the Loomis Zoning Ordinance *Temporary Dwelling for Persons in Need of Care and Supervision*.
17. _____ Occupancy of the hardship mobile home is restricted solely to Audra Hudson, along with her husband and children. No other parties shall reside within the mobile home.
18. _____ This permit shall be for a maximum period of five (5) years and expire on June 28, 2021, and is subject to annual renewal of the Planning Director. If the permit needs to be extended past June 28, 2021 a new application for a Minor Use Permit shall be submitted to the Loomis Planning Director no later than March 28, 2021.
19. _____ The annual renewal shall be submitted by the applicant or owners no later than 60 days prior (i.e April 28) to its annual renewal date of June 28 and shall provide documentation from a licensed medical care provider attesting to the continued disability and need of Lawrence and/or Elizabeth Thompson for care and supervision by their daughter Audra Hudson.
20. _____ At such time the last surviving occupant of the primary residence (either Lawrence or Elizabeth Thompson) no longer resides there, Audra Hudson agrees to notify the Planning Director immediately and to remove the mobile home from the site within 60 days.
21. _____ If the owner, or other person in possession or control of the property, fails to properly maintain the specified occupancy in compliance with the Hardship Mobile Home Agreement, then the Town of Loomis, its officers, agents or employees may, upon ten days written notice to the owners, or their successor in interest in the property, may cause the hardship mobile home to be removed in compliance with the Minor Use Permit and may bill the owners or owner's' successor in interest for the costs and expenses incurred.
22. _____ In the event the property is sold, the approval for the limited term permit of the hardship mobile home shall become void, and the mobile home shall be removed within 30 days of the completion of the sale.
23. _____ The owners agree to pay all costs and expenses incurred by the Town of Loomis should it have to cure noncompliance Any costs or expenses incurred by the Town of Loomis pursuant to this approval shall become a lien on the property and shall become due and payable forthwith.

24. _____ To ensure compliance with the removal of the mobile home, should it no longer be in compliance, a performance bond sufficient for its removal and clean up of the site shall be provided to the satisfaction of the Town Manager prior to the issuance of any Building Permits for its installation.
25. _____ The mobile home shall not allowed on the property until the required building permits, and other requirements and conditions of this approval are to the satisfaction of the Planning Director. Upon termination of the use of the mobile home, it shall not be stored on this property and removed within 60 days of the termination.

LANDSCAPING AND DESIGN

26. _____ The mobile home shall be screened from public view and adjoining properties through the use of screening, fencing and landscaping.
27. _____ The mobile home shall be located consistent with the revised site plan as submitted, subject that no trees be removed without the explicit approval of the Planning Director for either it or the septic system.
28. _____ The mobile home shall comply with the regulations of the RA zone district consisting of a minimum setback of 25 feet from both the rear and side yard property lines.
29. _____ The access road shall be constructed subject to the ordinances of the Town of Loomis to the satisfaction of the Town Engineer, and located in compliance to avoid the existing septic system of the primary residence or waterlines.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

30. _____ A Notice of Exemption shall be filed that Minor Use Permit #16-06 is exempt from the requirements of the California Environmental Quality Act (CEQA) as a Class 3 Categorical Exemption as per Section 15303 of the CEQA Guidelines that allows a *"second unit in a residential zone."*

RESOLUTION NO. 16-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING MINOR USE PERMIT (#16-06) SUBMITTED BY AUDRA HUDSON (APPLICANT) TO ALLOW LIMITED TERM HARDSHIP MOBILE HOME NOT TO EXCEED FIVE YEARS AT 4889 BARTON ROAD APN: 045-0712-050.

WHEREAS, Audra Hudson, the applicant has requested a Minor Use Permit (#16-06) for a limited term permit for a hardship mobile home; and,

WHEREAS, on June 28, 2016, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with Minor Use Permit (#16-06).

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of June 28, 2016, did resolve as follows:

1. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. Minor Use Permit (#16-06) to allow a limited term hardship mobile home is hereby approved per the findings set forth in Exhibit A and the 30 conditions of approval set forth in Exhibit B.

ADOPTED this 28 day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Michael Hogan, Chairman